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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,342	08/28/2003	Ernesto J. Tongo	03-CM7-178	6662
7590	03/01/2004		EXAMINER	
Martin J. Moran, Esquire Cutier-Hammer, Technology & Quality Center RIDC Park West 170 Industry Drive Pittsburgh, PA 15275-1032			LEE, KYUNG S	
			ART UNIT	PAPER NUMBER
			2832	
			DATE MAILED: 03/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/650,342	TONGO ET AL.
	Examiner Richard K. Lee 	Art Unit 2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 15-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gasper (6,246,304) in view of Scott et al. (4,969,063).

Gasper teaches a circuit breaker comprising:

a housing 20;

separable contacts 50 and 60;

an operating mechanism 160;

means for providing a first and second output (on/off with power source); and

a first indicator 340 being proximate to the operating handle cooperating with the first output.

Gasper discloses the claimed invention except for a first indicator and a second indicator illuminate to display the condition of the separable contacts (either open or closed).

Scott et al. teaches a circuit breaker (fig. 1 and 2) having a first and a second indicators illuminating for the purpose of displaying the status of the separable contacts.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide circuit breaker of Gasper with the illuminated display of Scott et al. since the display of Scott et al. would provide the breaker of Gasper with a visual condition of the breaker.

Regarding claim 2, SA1 (fig. 2 of Scott et al.) is an auxiliary switch cooperating with the operating mechanism.

Regarding claim 3, the auxiliary switch (Scott et al.) comprises a common terminal NI, normally open terminal a and normally closed terminal b, providing respective output.

Regarding claims 4 and 5, H2 is an external power supply providing power to the switch.

Regarding claims 6, 7 and 8, the indicators are different color LED (see fig. 2, RED and GREEN).

Regarding claims 15 and 16, the operating member 160 has an actuator 190 (at least comprising of 190) to activate the indication means by activating the plunger 330.

Regarding claim 20, Gasper discloses an operating mechanism including a trip, open and closed position.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gasper and Scott et al. as applied to claim 1 above, and further in view of Jones (6,342,995).

Gasper and Scott et al. teach the claimed invention except for the LED being a LED package protruding through first, second and third opening. Jones teaches a LED package for the purpose of providing a visual trip circuit status.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide breaker of Gasper and Scott et al. with a LED package as taught by Jones since the LED package of Jones would provide the device of Gasper and Scott et al. with a visual trip circuit status.

Allowable Subject Matter

4. Claims 9-14 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9 and 18 recite a handle through an opening of the breaker housing. A first and second indicator disposed at a first and second end of the opening, respectively. Claims 10-14 depend on claim 9. Claim 19 depends on claim 18.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard K. Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on Mon. to Fri. 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard K. Lee
Examiner
Art Unit 2832

